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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,781	09/28/2001	Royce D. Jordan JR.	010555	3404
38823	7590	07/14/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			SMITH, CREIGHTON H	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,781

Applicant(s)

JORDAN, ROYCE D.

Examiner

Creighton H. Smith

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed on 13 May '05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-25, 30-34 and 39-55 is/are rejected.
- 7) ☒ Claim(s) 20, 26-29, 35-38 and 56-59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-19, 21-25, 30-34, 39-48, 50-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiltunen et al, U.S. Patent #6754484.

Hiltunen et al disclose a short message communication system for sending short messages from a sender, col. 6, line 37, to a receiver. Hiltunen et al disclose in col. 3, lines 21-30, that a "host" (12) is situated between a short range RF/LAN (10) and an external network such as the Internet (2). Also see Fig. 2. Inherently Hiltunen's "host" also acts as a gateway because it links the networks (2 & 10) together. Newton's Telecom Dictionary, 13th edition, page 306, defines a gateway in data networks as a "node on both 2 networks that connects 2 otherwise incompatible networks." And, "gatekeepers map LAN aliases to IP addresses and provide address lookups when needed." In col. 6, lines 35-42, Hiltunen et al disclose that the message sender may set a time parameter for the message to be available for a time duration, or up to a specific time (e.g. 2:00 PM). Therefore, Hiltunen et al set the time for delivery of the message to be the time set by the sender. Hiltunen et al disclose in col. 4, lines 44-45, is a short text message analogous to SMS. Regarding claims 8 & 9 Hiltunen never specifically discloses that the message's delivery instruction is located in either the message's

Art Unit: 2645

header or text portions. However, it is deemed inherent that the only way for the instructions to be delivered is in the message itself, whether it is in the body (text) or whether the information is located in the header. For claim 12, Hiltunen et al discloses in col. 6, lines 39-42, that each beacon is designed to delete private messages after a preset time period expires (e.g. after 3 hours, at 12:01 AM of every day, etc).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Hiltunen et al.

Hiltunen et al disclose in col. 1, lines 15-20, that, "such communication can occur in GSM systems using SMS wherein short messages are communicated directly between two or more terminal devices, such as mobile stations, e.g., telephones, PDAs, etc." A person possessing ordinary skill in the art would have readily recognized that pagers could also be included into this group since it old and well known that pagers receive text messages

Claims 20, 26-29, 35-38, & 56-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alperovich et al, Boltz et al.

Art Unit: 2645

Any inquiry concerning this communication should be directed to Creighton H.

Smith at telephone number 571/272-7546.

05 July '05

A handwritten signature in black ink that reads "Creighton H. Smith". The signature is written in a cursive style with a large, stylized "C" and "S".

Creighton H Smith  
Primary Examiner  
Art Unit 2645